

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PATRICK JOSEPH, Petitioner, v. WARDEN DUNBAR, Respondent.	2:20-cv-12426 ORDER TRANSFERRING THE CASE TO THE WESTERN DISTRICT OF MICHIGAN
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Petitioner, Patrick Johnson, filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner is confined at North Lake Correctional Facility, a private institution operating under contract with the Michigan Department of Corrections, located in Lake County, Michigan. His habeas petition challenges the validity of his 2003 federal conviction entered in the United States District Court for the Southern District of Florida.

A petitioner seeking to challenge his physical custody within the United States under § 2241 must file the petition in the district of confinement. *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004). A petition filed in the wrong district may be transferred to the proper district. *See* 28 U.S.C. § 1406(a) (district court may dismiss or, in the interests of

justice, transfer case with improper venue to district or division where it could have been brought).

Petitioner is confined in Lake County, Michigan, which lies in the Western District of Michigan. *See* 28 U.S.C. § 102(b)(2). Venue is not appropriate in the Eastern District of Michigan because the Petitioner is neither in custody in this district nor was he convicted and sentenced here. The Court will therefore transfer Petitioner's case to the Western District of Michigan.

Accordingly, it is **ORDERED** that the case is **TRANSFERRED** to the United States District Court for the Western District of Michigan.

IT IS SO ORDERED.

Dated: January 5, 2021

s/Terrence G. Berg

TERRENCE G. BERG

UNITED STATES DISTRICT JUDGE